

1 **VICTOR N. PIPPINS**  
California State Bar No. 251953  
2 **FEDERAL DEFENDERS OF SAN DIEGO, INC.**  
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6 Attorneys for Mr. Rodriguez  
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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
10 **(HONORABLE MARILYN L. HUFF)**

11 UNITED STATES OF AMERICA,	)	Case No. 08-CR-0992-H
	)	
12 Plaintiff,	)	Date: August 25, 2008
	)	Time: 2:00 p.m.
13 v.	)	
	)	<b>NOTICE OF MOTION AND</b>
14 <b>RUBEN RODRIGUEZ</b>	)	<b>MOTIONS TO:</b>
	)	
15 Defendant.	)	<b>1) COMPEL DISCOVERY AND</b>
	)	<b>PRESERVE EVIDENCE;</b>
16	)	<b>2) DISMISS INDICTMENT AND;</b>
	)	<b>3) FILE ADDITIONAL MOTIONS</b>
17	)	

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19 TO: KAREN P. HEWITT, UNITED STATES ATTORNEY  
PAUL S. COOK, ASSISTANT UNITED STATES ATTORNEY

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21 **PLEASE TAKE NOTICE** that on August 25, 2008, or as soon thereafter as counsel may be heard,  
22 Ruben Rodriguez, by and through his counsel, Victor N. Pippins and Federal Defenders of San Diego, Inc.,  
23 will ask this Court to enter and order granting Mr. Rodriguez's motions in the above listed case.

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**MOTION**

RUBEN RODRIGUEZ, the accused in this case, by and through his attorneys, Victor N. Pippins, and Federal Defenders of San Diego, Inc., pursuant to the Fourth, Fifth and Sixth Amendments to the United States Constitution, Federal Rules of Criminal Procedure and all other applicable statutes, case law and local rules, hereby moves this court for an order:

- 1) to compel discovery and preserve evidence;
- 2) to dismiss indictment
- 3) to grant leave to file further motions.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, and any and all other materials that may come to this Court's attention at the time of the hearing on these motions.

Respectfully submitted,

Dated: August 8, 2008

/s/ Victor N. Pippins  
**VICTOR N. PIPPINS**  
Federal Defenders of San Diego, Inc.  
Attorneys for Mr. Rodriguez

1 **VICTOR N. PIPPINS**  
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5 Attorneys for Mr. Rodriguez  
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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
10 **(HONORABLE MARILYN L. HUFF)**

11 UNITED STATES OF AMERICA,	)	Case No.: 08CR0992-H
	)	Date: August 25, 2008
12 Plaintiff,	)	Time: 2:00 p.m.
	)	
13 v.	)	<b>CERTIFICATE OF SERVICE</b>
	)	
14 <b>RUBEN RODRIGUEZ,</b>	)	
	)	
15	)	
Defendant.	)	
16	)	
	)	

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18 Counsel for Defendant certifies that the foregoing pleading is true and accurate to the best of  
19 his information and belief, and that a copy of the foregoing document has been served this day upon:

20 **Paul S. Cook**  
21 paul.cook@usdoj.gov,esmeralda.diaz@usdoj.gov,efile.dkt.gc1@usdoj.gov

22 Respectfully submitted,  
23

24 DATED: August 8, 2008

/s/ Victor N. Pippins

25 **VICTOR N. PIPPINS**  
26 Federal Defenders of San Diego, Inc.  
27 Attorneys for Mr. Rodriguez  
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